

6 THE L45-  
RECTOR OF DR—R's CASE

Concerning the Power of  
S U S P E N S I O N  
FROM THE  
SACRAMENT  
S T A T E D.

*In a LETTER from his FRIEND.*

Wherein the Three following *Queries* are briefly  
Examined, and modestly Resolved, viz.

- I. Whether a Rector hath power to Suspend any of the Parishioners committed to his Charge, from a Temporary Reception of the Sacrament? And in what Cases he may exercise that Power?
- II. What is the Bishops Office in such a Case? And whether he may restore such Persons so Suspended, without a Judicial Cognizance of the Crime objected?
- III. Whether in such a Case the Bishop may regularly command the Rector, and whether such Commands are obliging?

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*Procul hinc, procul ite, Profani,  
Casta placent Superis, pura cum mente, Venite.*

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L O N D O N :

Printed for Edward Mory at the 3 Bibles in St. Pauls Church-yard, and  
sold by M. Gunne at the Bible and Crown in *Essex-street* Dublin, 1695.

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*The RECTOR's Case concerning the Power of  
Suspension from the Sacrament, stated, &c.*

SIR,

**I** Received yours, and think my self obliged to let you know, that I am more sorry that such differences should happen between the Clergy of our Church, (who in the general (and especially in that Province) want no Enemies) than willing to determine betwixt your Bishop and you, who was most in the Right, or least in fault: Yet understanding that your Enemies from thence also have taken an occasion of raising new Calumnies; and because, for some particular Reasons, I cannot refuse your Request, to let you know my thoughts in the matter; I have sent them (such as they are) to you; desiring that in case you shall at any time think it necessary in your own Vindication to produce the Judgment of a third Person, you would at least conceal my Name.

The CASE is this :

*A Rector suspends two of his Parishioners from the Sacrament, for notorious malicious Contrivances and Practices against himself, and acquaints the Bishop therewith, who not only neglects to proceed against the Malicious and Obstinate Persons, according to the Canon; as the Rubrick prescribes; but near a year after, coming to the Church, after the Sermon goes to the Table, and takes upon him the Administration of the Sa-*

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*crament,*

*crament, the suspended Persons go up to the Rails, the Rector (thinking the Bishop had forgot the Suspension, or not observ'd their being there) tells them he thought it more convenient for them to withdraw; the Bishop (they being his Servants) passionately interposes, and would not suffer it, but proceeds in the Communion-Service, consecrates, distributes the Bread, and afterwards the Rector the Cup, omitting the suspended Persons, to whom the Bishop commanded him to administer it; but he thought it unlawful to be done, and therefore declined it.*

The sence of our Church in this matter will be best learned from her Rubrick and Canons.

The Rubrick prefix'd to the Order for the Administration of the Lords Supper, or holy Communion, hath these words, in Paragraphs 1, 2, 3.

“ So many as intend to be Partakers of the holy Communion, shall signify their Names to the Curate at least sometime the day before.

“ And if any of those be an open and notorious evil Liver, or have done any wrong to his Neighbours by word or deed, so that the Congregation be thereby offended; the Curate, having knowledge thereof, shall call him and advertise him, That in any wise he presume not to come to the Lords Table, until he hath openly declared himself to have truly repented & amended his former naughty life, that the Congregation may thereby be satisfied, which before were offended; and that he hath recompenced the Parties to whom he hath done wrong, or at least declare himself to be in full purpose so to do, as soon as he conveniently may.

“ The same order shall the Curate use with those betwixt whom he perceiveth Malice and Hatred to reign; not suffering them to be partakers of the Lords Table, until he know them to be reconciled. And if one of the Parties so at variance be content to forgive from the bottom of his heart, all that the other hath trespassed against him, and to make amends for that he himself hath offended; And the other party will not  
“ be

“ be perswaded to a godly Unity, but remain still in his frowardness and  
 “ malice; the Minister in that case ought to admit the penitent person to  
 “ the holy Communion, and not him that is obstinate. Provided that  
 “ every Minister so repelling any, as is specified in this or the next prece-  
 “ dent Paragraph of this Rubrick, shall be obliged to give an account of  
 “ the same to the Ordinary, within fourteen days after at the farthest. And  
 “ the Ordinary shall proceed against the offending person according to the  
 “ Canon.

*Thus far the Rubrick*

Out of the Canons I shall give you but these two Quota-  
 tions.

Londini, Anno 1603. Canon 26.

*Nullus Ministrorum ex grege aut Curâ suâ quæquam ad sacra Cœnæ  
 Communionem ullo pacto admittet, qui manifestè notus erit in infami pec-  
 cato impenitentèr vivere nec qui cum proximis suis malitiosè & apertè con-  
 tenderit, nisi reconciliatio intercesserit*———

Dublin, Anno 1634. Canon 20.

*No Minister shall in any wise admit to the Receiving of the holy Com-  
 munion any of his Cure or Flock, which he openly known to live in sin  
 notorious without repentance, nor any who have maliciously and openly  
 contended with their neighbours, until they shall be reconciled, &c.*—

The latter of which seems to be a Translation of the former.  
 So that in the Rubrick and these two Canons, we have the  
 Judgments of the Convocations and Parliaments of both King-  
 doms, which surely are abundantly sufficient, without any  
 other Arguments or Authorities, to resolve the Doubt, and  
 cast the Scale on the Rectors side. Yet because this matter is  
 designedly mis-represented by some, and through ignorance  
 mis-understood by others; I shall consider it more fully, and  
 endeavour to Answer all Objections, and silence all Calum-  
 nies.

This Question in my Judgment will be sufficiently Answered  
 by an Enquiry into, and Resolving of these three things:

1. *Whether a Rector hath power to suspend any of the Pari-  
 shioners committed to his charge, from a Temporary Reception of  
 the Sacrament, and in what Cases he may exercise that power?*

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2. *What*

2. *What is the Bishops Office in such a Case ? And whether he may restore such Persons so suspended, without a Judicial Cognizance of the Crime objected ?*

3. *Whether in such a Case, the Bishop may regularly command the Rector, and such Commands are obliging ?*

1. It must be granted that the Rector hath a two-fold Power of Suspending such Persons as are, or appear unto him to be unqualified and unfit to Communicate, from the actual Reception of the Lords Supper

1st. A *Spiritual*, in the Court of *Conscience*, inherent in his Order of Priesthood, given him as part of his *Indelible Character* in his Ordination, by those words, [*Whose sins thou do'st forgive, they are forgiven; and whose sins thou do'st retain, they are retained.*] This power of *Binding* and *Loosing*, is no other than the Power of admitting to, and suspending from the Sacrament, and is usually called the Power of the *Keys*; (and so *Dr. Hamond* in his Tract on that Subject, and almost all others, interpret it) which Power is so essential to the Priests Order, and distinguishes him from the inferiour, and qualifies him to undertake the Cure and Regiment of Souls, when they shall be duly and legally committed to his Charge. This Power is so apparently necessary to the Execution of the Priests Office, that the Parish-Priests of the Roman Perswasion (notwithstanding that the Government of that Church is Prelatical) do as such forbid any of their Hearers from coming to their Mass, which is but a private Communion; or from their publick Communion, by vertue of the Rules of that Church, at their own Discretion. And the Teachers of the Presbyterians and other Dissenting Congregations, admit and with-hold which of their Members they judge fit or unfit, upon the Accounts of Crime, Scandal, &c. from coming to their Tables. And every Presbyter in the Church of *England*, being at his Ordination trusted with such a power, he must be supposed (when *Bene-ficed*; and having the Cure of Souls) to have the Use and Exercise

ercise of it committed to him, in which he must be directed by his discretive Judgment, as to the particular application of it, or else the Power was given him in vain, and he unable to discharge his Function.

2 *Legal* in the outward Court (as the Canonists speak) for tho' every Presbyter hath such a power committed to him in his Ordination, yet that is only *Spiritual*; but, besides this in our Church, as by Law Established, in case of open and notorious Evil Life; or wrong done by word or deed, or malice and hatred, especially persisted in; The Rector (having Charge of Souls) is not only allowed to exercise his Spiritual Power, and Priestly-Office of binding, or retaining of Sin, by Suspension from the Sacrament, by the Temporal Laws of the Land; but by the second and third Paragraphs of the Rubrick prefixed, to the Order for the Administration of the Holy Communion (in this case of Malice (as in all others therein contained) is directed and commanded to repel all such from the Sacrament; and this Rubrick is the best and most Authentick Rule for the direction of the Clergy in Law, it being (as all things contained in the Book of Common Prayer (besides what may be said of all former Editions) approved by the Convocations, and confirmed by the Parliaments of both Kingdoms; so that a Priest may Legally Suspend such Persons as are mentioned in these Rubricks from the Receiving the Sacraments, in the general, is without doubt. If a scruple be raised by Objecting, That in this Case the Rector suspended those persons for Malice, Injuries and Contrivances, &c. against himself, which is against the common Rule; That, *No Man ought to be Judge in his own Cause.* It may be Answered, That that Rule is not Universal, and holds not between such Relations, and in such Circumstances as admit not of a third persons intervening, as in this Case; for who could know the circumstances of the Parishioners but the Rector, or suspend them from the Sacrament, but he that ought to Administer it to them. Besides, such a Suspension is not any judicial Act, or final Sentence past by the Rector, but only the taking that intermediate Course which the Law prescribes, to preserve a Sacred Ordinance from Profanation, prevent the scandalizing of others, and to bring the Offending person to the Bishop's Tribunal, and to render him obnoxious to his censure, for his Spiritual welfare; for the Bishop is directed by the Rubrick to proceed against the Malicious person according to the Canon; and commanded



Prayer for  
the whole  
State of  
Christ's  
Church  
Militant,  
&c.

manded so to do by Law confirming it. There are other persons which Divines tell us, every Rector or Curate, by virtue of his Priestly power, as he is a Dispenser of Gods Sacred Ordinance, is obliged not to admit to the Holy Sacrament, as Youths, Phrenetick, those that are Excommunicate, or under Interdict, manifestly Infamous, as Adulterers, Fornicators, Thieves, Extortioners, Conjurers, Perjured Persons, Blasphemous, &c. Unless they profess at the least to repent, and give satisfaction for the publick Scandal; but I need not insist on this Argument, since the Rubrick of our Common Prayer names expressly the Malicious, who are the persons only in question, and are therefore by the Rules of both Divinity and Law to be excluded; so far is it therefore from Truth, That *the Rector ought to admit all persons promiscuously*. Neither should our Church have need to have taught us to pray, That God would give his Grace to the Clergy, That *they may rightly and duly Administer his Holy Sacrament*; it every Clergy-man having cure of Souls (without having Liberty to Exercise the power of the Keys committed to him in his Ordination, and Authorized by the Temporal Laws) should be obliged notwithstanding to Administer it to all persons indifferently, how unfit, or unquality'd so ever, by the Rules of Divinity and Prescriptions of the Laws. Since no Man stands in need of any special Grace of God, either to assist or direct him; to do that Action which he must necessarily do, and which it is not in his Power to choose, or refuse.

The next thing to be considered in this matter, is

2. What is the Bishops Office in such a case, and whether he may restore such persons so suspended, without a judicial cognizance of the Crimes objected against them.

And here (as formerly concerning the Priest) we must remember that the Bishop hath a two-fold Power; one *special*, appertaining to his Pastoral Office by Divine Right for the Execution thereof, enabling him in Act, as his Office obligeth him in Conscience, to *take heed to himself and to all the Flock* over which he is Overseer. This Episcopal Power was by the Ancients called *Virga Pastoralis*, by which the Bishop used (if more gentle means proved ineffectual) to endeavour a Criminals Spiritual welfare, by inflicting the penalties of Suspension and Excommunication (if need required) till by repentance and wholsom Discipline he should be cured and restored. This *Pastoral Rod* in the first and purest Ages of Christianity, did wonderfully



derfully contain Men in the Observance of their Duty and Freedom, from scandalous Offences and immortal Crimes, as being contrary to, and destructive of the Nature of their profess'd Religion; The fear of this kept Men in awe, and made them walk cautiously, and in case of Miscarriage, Vice, or Lapse, reduced them into divers Classes of Penitents, and continued them in each, till their performance of their respectively enjoyned Pennances. With this *Spiritual Rod* (if Admonition had been fruitless) the Bishop should have compelled his *Malicious* and *Injurious* Servants (if they could not acquit themselves of their Accusations) to a Confession of their Crimes, satisfaction for the wrong past, and reconciliation for the future; and to do this, he was under all the Obligations that the Spiritual oversight of his flock by Divine Right; that the Trust the Church committed to him, and the Solemn Vow of promise he made, at his Consecration; That the Caution he ought to have had to avoid the giving of Scandal to the rest of the Flock, and occasion to the Adversaries to Blasphemy; that the Desire and Zeal which he ought to have had, and those actual endeavours which he ought to have used to promote the Edification of his Flock (and chiefly those of his Family) could lay upon him.

2. The other *Ecclesiastical*, as that person who is by the Civil Magistrate intrusted with the Exercise of Jurisdiction in Ecclesiastical Causes, for though the Governours of the Church, as it is a Society distinct from, and independent upon the Civil State (by their own Spiritual Authority) may disown, separate from, and cutt off any corrupt Member by Suspension, or Excommunication, and hinder him from their Communion in Sacred Offices and conversation in Civil commerce; Yet having done this, can act no farther, nor can inflict any other Penalty upon the Contumacious and Excommunicated person; unless where Christianity is Established by the *Municipal Laws*, and the Ecclesiastical Constitutions are confirmed and supported by the secular Arm, and the Civil Magistrate will interpose to punish the contempt of the Spiritual Censure, by the infliction of a Temporal pain. Now in our Church as by the Laws of the Land Established, and incorporated with the State, we have Canons confirmed by the Prince, the Execution of which Canons are committed to

the Bishop; and the Rubrick in our Common-Prayer-Books (confirmed by the Temporal Laws of the Land) commands the Bishop to proceed against Persons suspended from the Sacrament by the Priest, according to the Canon. So that in this respect, the Bishop was under all Obligations that the Sovereign Power of the King as he is Gods Vice-gerent; *The Keeper of both Tables* (hath Power in the Externals of Religion, and to make or confirm Ecclesiastical Canons, or Constitutions for the *Polity* of the Church, as well as Municipal Laws for the Government of the Kingdom) and hath a Supreme Superintendent Ecclesiastical Jurisdiction, and hath entrusted him with the Legal Exercise of Episcopal Jurisdiction, and the Possession of the Temporalities by the Laws made for the Legal Establishment of Religion, and confirmation of the Rubrick as part of the Common-Prayer-Book by Act of Parliament, can lay upon him.

As to the latter part of the question, whether the Bishop can restore persons so Suspended, without a Legal Cognizance of the Crimes objected against them; I answer, The Bishop is bound by all those Obligations abovenamed, to take a Legal Cognizance of the Crimes objected; nor can he answer those Obligations of Office and Conscience, and trusts of the King, the Church, and Laws of the Land, unless he either actually do so, or at least take some other shorter and more private Course, which shall be effectual to obtain the same purpose; *Viz.* To cause the Offenders to Answer those two great ends of publick Justice, the Reformation of the person Offending, and the satisfaction of the person injured. As for Reformation, the Bishop may accept of the profession of present sorrow, and promises of future amendment, in case he shall believe the same sincere, because this is all God requires, as the sin is an Offence committed against him. As for satisfaction (besides what ought to be made to the Church, or Congregation by Confession, or Penance, in case of Scandal) it must be made to the injur'd person, and requires Confession of the injury done, and Restitution of Goods or Good Name taken away or impaired; according to the Nature of the thing, and the possibility of Restitution, in Kind or Value. So that the Bishop can neither justly, nor legally absolve or restore such suspended persons, till such Confession or Restitution be first made; and the

the reason is, because the injurious person by Trespassing upon his brother or his right, becomes his *Debtour* (and this is plain even from the words of the Lords Prayer, as Recorded by St. Luke 11. 4. *For we also forgive every one that is indebted to us*) in such sort, that as long as he refuses to discharge that debt by making satisfaction, he is so far guilty of the breach and contempt of Gods Laws, that before he Reverses that *Out-Lawry* by Repentance and Reconciliation, he is unfit to perform any Holy Offices, to approach Gods Altar, and his Sacrifice (like *Cains*) will be unacceptable to God, as our Saviour sufficiently teaches us in *Mat. 5. 23, 24.* And our Church in her Exhortation appointed to give notice of, and to prepare for the Celebration of the Holy Communion, directs the Priest to remind his Parishioners of their Duty in this particular, in these Words; 'And if ye shall perceive your Offences to be such as are not against God, but also against your Neighbours; then ye shall reconcile yourselves unto them, being ready to make restitution and satisfaction according to the uttermost of your Powers, for all Injuries and Wrongs done by you to any other. And it is very remarkable, That there is but one Text in all the Four Evangelists, which can be thought either to give foundation to the censure of Excommunication in the Christian Church, or to warrant the Translation of it out of the Jewish Synagogue into the Christian Church, (and that mentioning no other Crimes, as if Malice were the greatest) commands (concerning an Injurious and Trespassing brother, who after Admonition persists in the Injury, and refuses to make satisfaction) *Let him be unto thee as an Heathen Man and a Publican.* *Mat. 18. 17.*

From what has been said, I suppose it is evident, that the Injurious and Malicious person is by the Laws of God and Man under those Obligations to acknowledge, revoke, and make satisfaction for the Injury done by him, and to seek reconciliation for the future, and that the person injured hath such right to have Justice done him, that neither the Priest in the Court of Conscience, nor the Bishop in the External Court can Absolve or Forgive the Injurious person, till such time as he shall repent, and actually make satisfaction and be reconciled, or at least declare himself to be in full purpose so to do; because such Absolution

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n Court of Conscience would be false and fallacious, as pronounced *clave erronee*, and such forgiveness in the Exterior Court would be unjust, as hindering the person injured from the acknowledgment and satisfaction which the Laws of God and Man, and natural Justice, have made his right. Besides, such proceedings would be evil, if not fatal, in the Effects; inasmuch as they would be means to harden Men in their Sins and Impieties, by taking away such powerful motives to repentance, as the denunciation of Gods Judgments against all willful Sins persisted in, and the censures of the Church prudently and conscientiously made use of. But for a Bishop to wave proceeding against the persons, as being return'd to him as Suspended from the Sacrament, are thereby accused to him, either as evil persons, or scandalously Malicious, and therefore unfit to Communicate, and he thereupon obliged to make legal inquiry into, and take Judicial cognizance of their Crimes, and point blank to introduce them to the Holy Table at all Adventures, meerly because he will do so, is to break through, and at once to cast off all the Obligations which Conscience, his Office, Solemn Vow at Consecration, care of the flock, and avoiding Scandal, Zeal to punish Vice, &c. lay upon him.

If it be objected, that the Rector (in this case) being interested himself, might Suspend and Repel the Parties concern'd without just Cause; it may be as easily Answered, that the Bishop (they being his Servants) might acquit them without good reason, (and he that knows the circumstances he is in with them, will pretently think that Objection sufficiently Answered) however it must needs be unjust, because unreasonable, for the Bishop to bring them to the Sacrament, contrary to the method the Laws prescribe, and without a publick Animadversion, or at least a private Examination, and hearing whether the said Rector could make good his charge against them; for to acquit a person accused, is equally unjust; with the condemning him unheard. And it is the Rector's proper Province to Suspend, *Viz.* To bind in *foro Conscientiæ*; and the Bishops to Punish, or Acquit judicially *foro Contentionis*: Add to this, That the Rector acted within his proper Sphere, exercising the Power of his Order, the use of the Keys on their proper Object, the Flock committed

committed to his care : But the Bishop uncanonically and illegally interposing brings in his Servants (as it were) by force and arms, violates the legal Action of the Rectour, and invades his Right in the Consecration and Administration of the Holy Supper ; for though Canon 24, at *London* 1603, seems to allow the Bishop sometimes, as well as the Dean and Dignitaries in Cathedral Churches (where there are no Parochial Cures) to Administer the Sacred Supper. Yet the Rubrick in our present Common-Prayer-Book (which is of far better Authority) every where gives to the Prebendary that Officiates in Cathedral Churches, and to the Rectour or Vicar in Parish Churches, the Right of Consecration, and reserves to the Bishop in the whole Office, no greater burthen than the pronouncing the Absolution, and the giving the Blessing.

The Third thing to be considered is, Whether in such Case the Bishop may regularly command the Rectour, and such commands are obliging?

He that doubts, whether such an Excommunication as is only a bare Suspension from the Sacrament, is lawful ; may be satisfied from the Universal practice of the Catholick Church. For though divers particular Churches in this last Age have differed (according to the various notions they have imbibed of Church Government) about the persons inflicting, and the Causes for which it ought to be inflicted ; yet they all agree in this, that such a Censure there is, and may be exercised by him who hath the Charge and Cure of Souls. As for the Causes for which it may be inflicted, they are any immoral Crimes ; especially when they are great, and by being publick become scandalous : How long and severe Pennances were of old imposed upon those, who in times of persecution, either denyed their Profession, or Sacrificed to the Heathens Idols, or were guilty of Murther, Perjury, Adultery, or Fornication, &c. is so well known, that the insisting upon these things would but reproach the degeneracy of this Age, and the almost total neglect of Ecclesiastical Discipline of the present time. Now, whether an habituated Malice, evidenced by the mischievous Attempts and Effects of it, be a sufficient Cause for a Suspension of any persons from Receiving of the Holy Sacrament, needs no further Proof than the remembrance that Malice

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is not so much one single Act of Sin, as a continued State of Wickedness; and that because, as Love is the fulfilling of the whole Law, so is Malice the Transgression of it: and St. John says expressly, *Whoever hateth his Brother is a Murderer, and ye know that no Murderer hath Eternal Life abiding in him*; and again, *If a Man say, I love God, and hateth his Brother, he is a Liar, &c.* Neither is any Vice or Crime more contrary to, and destructive of the very Nature, Life, and Soul of Christianity, than Malice. From whence, and from what hath been said in the first particular, it plainly appears, that the Rector not only had a sufficient Authority, and a Legal Power to suspend them from the Sacrament, but that he was under a threefold Obligation so to do.

The first of which relates to himself, and arises from the Divine Nature of his Office, and his being a Steward of the Mysteries of God, and as such intrusted with the Administration and Dispensing of the Holy Sacraments, by which he is bound to use all the Care, Fidelity, and Circumspection he can, to preserve the Holy things committed to his Ministration, from being contemned and profaned. Thus in the time of the Law, we find, that all persons under any Legal Uncleanesses, were prohibited from eating of the Holy things Sanctified, by being offered at Gods Altar, lest they profaned them. This surely was not commanded merely for the sake of those External Purifications, but designed to teach Men with what inward Purity and Mental Preparation they ought to approach Gods more especial presence, and the Solemnities of Religion, and offer up their Spiritual Sacrifices unto him; for that the Jewish Sacrifices were Types of our Christian Sacraments, the Apostle plainly shews us. And our Saviour forbids the giving of Holy things to unfit and unqualified persons. It were easie to fill many Pages with the Sayings of the Antient Fathers concerning the Veneration due to the Holy Communion: but (omitting all others) I shall only add the Caution St. Chrysostome gives the Clergy in this Case, he says, *Thus far my Discourse has been directed to such a Communion.* Now I will add a word to the Ministers of the Church; for it is necessary to admonish them of their Duty; that with all Industry and Care, they may Administer these Sacred Gifts; for

2 Ep 3. 15.  
Ch. 4. 20.

Lev. 22.

1 Cor. 9. 6.  
10 Chap.  
1071.

Homil. 60.  
ad Antioch.



\* for they are liable to no small punishment, if they admit any  
 \* unworthy Person to this Table; for his Blood shall be required  
 \* from their hands: For let him be a General of an Army, or a-  
 \* ny great Officer, or Prince, that comes unworthily to partake  
 \* of this Sacrament, he is to be prohibited; for you the Ministers  
 \* of the Church, have a greater Power than he; God hath there-  
 \* fore placed you in this Honourable Condition, that you might  
 \* make a right judgment of these things.—And afterwards.

\* This Divine Mystery does not only require, that we be free  
 \* from Rapine and Hatred; but likewise from all kind of Ani-  
 \* mosity, or any breach of Charity; since it is the Mystery of  
 \* Peace.

A Second, respects the persons themselves, and is derived from the  
 Pastoral care he ought to have of his Flock; for every Rector, Vicar,  
 or Curate is in Conscience bound to Act so, as he shall judge to  
 conduce most to the Edification and Spiritual welfare of the several  
 Members of the Congregation, respectively committed to his  
 Charge; or else he will have a dreadful Account to give at the  
 Last Day, to the Great Shepherd and Bishop of Souls, of his Mi-  
 nistration and Stewardship. So that for this Reason, the Rector  
 was obliged to Suspend the Malicious Persons from the Sacra-  
 ment, for their own good, upon a double Account.

1. Of Charity to their poor Souls, which they would impiously  
 expose to so much present danger, for since (as the Apostle saith) <sup>1 Cor, 11.</sup>  
*He that eateth and drinketh unworthily, eateth and drinketh dam-*  
*nation to himself.* <sup>29.</sup> By the same Motives that all men are bound  
 to prevent any bodily hurt or danger that a child, a mad man, an  
 Epileptick person, or a man in a Calenture would run into,  
 through ignorance, or the effects of his Distemper: All Rectors,  
 Vicars and Curates are obliged to suspend and forbid all persons  
 evidently wicked and scandalously malicious (as long as they con-  
 tinue such) from the Sacrament; because the receiving of it in  
 such circumstances would add sin to sin, and encrease their guilt;  
 to their spiritual ruine and damnation. Therefore St. Ambrose;  
 when the Emperor Theodosius (surnamed the Great) (defiled with  
 the Blood of the Theſſalonians; which being in a tumult, he had  
 commanded (in a passion) to be slain) would have approached  
 Gods Altar, and received the holy Sacrament, would not suffer  
 him,



him, (as unfit to partake of those holy Mysteries) till after some months humiliation and penitence.

2. Of care for their future Amendment; Therefore the Apostle delivered *Hymeneus* and *Alexander* to *Satan*, that they might learn *not to blaspheme*. And wrote to the *Corinthians* to Excommunicate *not* the Incessuous person, that the spirit may be saved in the day of the Lord *Jesus*. The severe discipline of the Ancients, and how usual it was with them in case of Lapse, or the commission of any gross and Scandalous Crime, to impose Penances of seven or fifteen years, yea for a whole life, is well known. And of later years, *St. Dunstan*, Archbishop of *Canterbury*, enjoyn'd *Edgar* King of *England* a seven-years Penance in order to his Reformation. And therefore the Learned *Dr. Hammond* compares the *Minor Excommunication* to Spiritual Physick to be applied to the sin-sick Soul for the Recovery of its former state of Health; and in the primitive and more pure and zealous Ages of the Church, it was very effectual to that purpose; and therefore was made use of to punish Delinquents for any Offences against the Christian Laws, any Vice or Immorality that was either publick in it self, or made known and made good to the Church.

Traſt of  
the power  
of the Keys.

Dr. Cave  
in Prim.  
Christ.  
part 3.  
cap. ult.

The third hath reference to the rest of the Flock, and proceeds from the ill effects one mans sin very often hath upon others among whom he lives; for by gross sins committed in a Christian Congregation, his Neighbours are exposed to a two-fold Danger :

1 Cor. 3. 6.  
Morbida  
sola pecus  
torum cor-  
rumpit  
ovile.

1st, Of being infected by such an ill Example: for so the Apostle argues, *Know ye not that a little Leaven leaveneth the whole lump?* And more to the same purpose, in *1 Cor. 8. 10*. And it is but too well known, that evil Examples are of so great efficacy, that men are more often led away by them, though bad, than restrained by Precepts, though good. And the taking away those Methods which the Piety and Wisdom of former times have used to discountenance and punish sin in others, is in effect the tempting of Men to do evil, or at the least an Encouragement of them to offend in their own Persons, by subtraction of the Penalty due to others: For the fear of shame, and the being publickly exposed, are powerful Restraints upon all such who have not as yet extinguished the sense of Conscience, and defaced all natural Modesty,

Modesty, by a long continued custom of sinning, but by the Grace of God, or the advantages of a good Education retain any love to Vertue : Which yet it is to be feared will (at least by degrees) continually Languish and Decay, as not being able to resist the daily Assaults, and Powerful Temptations to Sin, which the frequent Evil Examples of others, and the probable prospect of their own impunity, will Minister unto it.

2. Of being scandalized; or offended at such connivence at, or rather approbation of, their Neighbours Crimes, by those persons, who are obliged by their Spiritual Office to decry, and enabled by the Civil Power to punish, such open Impieties. And no doubt, one or both of these; *Viz.* the prevention of Infection, or the avoiding of Scandal; the Apostle had an Eye to that Precept, *But I have Written to you not to keep Company, if any Man that is called a Brother be a Fornicator, or Covetous, &c.* <sup>1 Cor. 5. 11.</sup> The Governours therefore of the Primitive Church watched over their Flocks with a *Godly Zealousie* : And though unassisted by any <sup>2 Cor. 1. 12.</sup> secular Power,) but often persecuted by it) by the frequent and <sup>2</sup> Conscientious use of Suspension and Excommunication, with the Penances thereunto added; they preserved the Veneration due to the Sacred Mysteries, the Honour of their Religion, and their Communion, without Scandal given either to their own Members, or those without.

To which three Obligations on the Rector to Suspend the Malicious Persons, I might add a fourth, relating to the Enemies of Gods Church, who by a connivence at Publick Crimes, may be induced to speak Evil of his Name, arising from the care all Men ought to take, not to give Offence. Thus because David by <sup>Mat. 18.</sup> his Adultery, &c. *Had given occasion to the Enemies of the Lord* <sup>6. 7. &c.</sup> *to Blaspheme*; God punished him with the Death of his Son; <sup>2 Sam. 12.</sup> And St. Paul exhorts the *Thessalonians*; *To walk honestly towards them who are without*; <sup>14.</sup> And says, a Bishop, *Must have a good* <sup>1. Thes. 4. 12.</sup> *report of them who are without* : By those without, the Apostle <sup>1 Tim. 3. 7.</sup> means such as then was unbelieving Jews, or unconverted Gentiles, and now are Jews, Mahometans or Pagans; any of these if scandalized at the Vicious Lives of Professed Christians, will conceive a prejudice against Christianity it self, and put a bar to their own Conversation : And by a parity of Reason, the tolera-

tion and connivence at notorious Crimes, and neglect, or rather abolition of Discipline, will give offence to the present Recusants and Dissenters amongst which we live, and consequently make them far more averse from the returning to our Communion. So far (therefore) was it from being in the Bishops power, according to Scripture, Divinity, Law, or Canon, to command the Rector to administer the Sacrament to Persons altogether so unqualified for it, that by none of those his own Action, in introducing them by force, can ever be approved.

There is but one thing that can be offered in the Bishops behalf, against the Rectors refusing to administer the Cup to the Suspended Persons, and that is, That the Rector (and that by vertue of his Oath) owes to the Bishop Canonical Obedience, and therefore when the Bishop commanded him to give the Cup, he should have done it. To which it may be as easily answered, That the Canonical Obedience, and the Obligation thereunto may be granted, and the inference at the same time denied; for (besides that, that Oath is but a *Relick* of the Usurpations that the Bishops within the Papacy have made upon the Rights of the rest of the Clergy, in the more dark, ignorant and corrupt Ages of Christianity (*for in the beginning it was not so*) the imposition of it is in it self unjust, and the Rectors having taked it very uncertain) that Oath is not concerned in this case, for Canonical Obedience is nothing else but the doing of those things which the Bishop commands pursuant to the Canons; or if you please, An Observation of those Canons or Rules which the Church hath made for the Directions of the Clergy in their Lives, Doctrines and Polity. Now these Canons are so far from obliging the Rector to administer the Sacrament to ill Livers, or malicious Persons (as long as they continue such) that they command the direct contrary, as appears by the preceding Quotations; and the Bishop will be found (and not the Rector) to have violated the Canons. So that though in respect of the inferiour Clergy, the Bishop (in some sense) is the Executor of the Canons, or hath power (in the Cases, and by the Censures therein prescribed) to compel his Clergy to the observation of such of the Canons and Constitutions Ecclesiastical as are agreeable to the Word of God, and the Laws and Customes of the Land (for otherwise they must in conscience, justice, and reason, as well as by vertue of the Statute

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be postponed ) yet the Bishops Ecclesiastical power is so circumscribed and limited by such Canons and Constitutions as aforesaid, that the Bishop can extend his jurisdiction over the Clergy, or Laity, or exact obedience from either of them, no farther than his actions, proceedings, and censures are thereby expressly precribed, authorized and warranted; for since the Popes Supremacy in this Kingdome is abolished, that power which ( in the times of his Usurpation ) the Bishop exercised here, either as received from him, or by vertue of his Pontifical Decretals, or any Legantine constitutions must also be void, cease, and be determined; neither would it be less evidently absurd to assign to a Bishop an arbitrary power over his fellow subjects, and at the same time to deny it to a Sovereigne Prince; besides Canonical obedience ( least a Bishop ) under pretence of any Popish or absolute Canon ) should command any thing in it self, ( for by reason of circumstances ) unfit to be done, or should abuse his authority, to serve any sinister design, or ill affection of his own ) is in the Oath limited and restrained to these things which are lawful and honest; So that as a Bishop can command, so a Clergy man, is obliged to obey him in no other things. Now no man will ( I presume ) say, that the Bishop could lawfully command the Rector to administer the Sacrament to the suspended persons, when the doing of it was contrary to the Obligations of his own Conscience, his Function, the Laws of the Land, and the Constitutions of the Church; or that the Rector would be obliged by his Oath of Canonical Obedience ( in case he took any such ) to have done it, or could lawfully do it, whether he took such Oath or not.

If it shall be said in behalf of the Injurious and Malicious persons. That since they came to the Lords Table, it is in Charity to be supposed, that they did Repent of their Sins before they came there, and so ought to be received as fit Communicants. I Answer, That Repentance, whether general or particular in that Case, is not sufficient; there must be also Confession of, and satisfaction for the Injury done; made to the party injured, and at the least intended Reconciliation, with the person with whom they were at variance; all which according to the Scripture, the Rubrick, the Canon, and the opinion of all Casuists are necessary to qualifie them for the Receiving of the Sacrament, as appears from what hath been said in the second particular. Be-

Besides, these Malicious persons, if they had intended to have been partakers of the Holy Communion, should have signified their Names to the Rector, at least some time the day before, for so the Rubrick commands, Sect. first, Which no doubt was Ordained, that so the Rector might know who intended to communicate, and thereby be put into a capacity to approve of their coming, whom he thought fit to Receive, and to Suspend those whom he knew to be otherwise: But for Men to violate a Spiritual censure, to break the Publick Order of the Church; to disobey their Pastor, to rush in upon the Holy Table, to take by force the Sacred Mysteries, and to prophane Gods Altar, is too like the Case of *Corah*, *Dathan* and *Abiram*, &c. to be either excused or tolerated in a Legally Establish'd Church.

I might add, that (were it not Sin) it may be a matter of very ill consequences, for the Bishop thus to break down all the enclosures and fences of so Sacred an Ordinance, and expose the most venerable Mystery in the whole Christian Religion, to the profanation of all bold Intruders, and the Priests Office, and the *Symbolum* of our Christian Communion, to the Pleasure of the Rabble, and the Scorn of the Enemy: To deface and blot out those small remainders of respect left in the hearts of the Men to the English Clergy; and thus to animate and encourage the Wicked and Prophane Vulgar to affront their Pastor, and be Rude to their Teachers, so contrary to the Apostolick Exhortation, and their own Interest: To take away all marks of distinction betwixt good and bad; and to abolish the Motives and encouragements to Piety and Devotion; and the shame and punishments of Vice and Prophaneness. It is well enough known what boast the Dissenters have made of the Exercise of Discipline amongst themselves; and how they insult over us, (who yet have a Legal Power (which they have not) to enforce our Censures) for the want, or rather neglect of it. Insomuch, that many of them to my knowledge have objected, and insisted upon the Admission of persons of Wicked and Scandalous Lives, amongst us, to the Lords Table without discrimination, together with the corruption and almost total neglect of Discipline in exercise of Church Censures, and the Scandal thereby laid before them; as one of the great Causes of their separation from our Communion,

nion, and uniting in a dissenting Congregation, where they have (or rather think they have) that Ordinance more pure, and with less Offence conveyed unto them. And indeed, the best Answer that I know can be returned to that Objection, is, that such admission of Men of Wicked and Scandalous Lives to the Communion, and the neglect of ejecting them by Excommunication, cannot justly be charged upon the Bishop, or those who have a Legal Power to Censure, Reform, or Punish them, unless they are first made acquainted, and duly informed of their unfitness, Scandal, and ill Life: But where this Apology is prevented by a Demonstration, that Ignorance, or want of information and knowledge, cannot be pleaded in our Governours behalf; I am at a loss to think of any other, because knowledge makes Sins willful and inexcusable; and they who have undertaken that great and weighty Charge (upon what Motives soever) have their own Sins, the connivence at others, and the Scandal thereby given, to accompt for.

Lastly the Bishops Expression in saying, *I command you*; may require a more severe Reflection than I am willing to make of it. The Word Bishop was anciently a Name of Office, and not of Order. And the Essential difference of a Bishop from a Presbyter, consists in the super-addition of a New Office to his former Order, together with the reservation of some few preeminences (as peculiar) to that Office, for preserving the Unity of the Church, &c. Whence it appears, that the Episcopal Power was not Monarchical, Absolute, or Inherent in the sole person of the Bishop, but fraternal, limited, and placed in the Bishop in conjunction with his Colledg of Presbyters; which had so great an Interest in the Administration of the Church Affairs, that there seemed only a Negative Vote (for the preservation of Order and Unity) to be reserved to the Bishop; for in the time of St. Ignatius (when Episcopacy may rationally be supposed to have been in its Purity and Vigour, as being then so very near its Institution) it was received as a Rule, *That nothing be done without the Bishop*; and afterwards we are told, that there was a time when, *All things were Governed by the Common Council of the Presbyters*. And that the Case is now here in Europe so much altered, is to be attributed to the *Ascendant*, that the Bishop of Rome, hath Vis



& *Modis* gotten over the Emperor, and these *Western* Princes, and to the Consequences of it; and not to the Institution of Episcopacy, or the Constitution of any *General Councils*. In the mean time as the Pope (notwithstanding all his Usurpations and Pretensions) calls all Bishops *Confratres*; so the Bishops, Archbishops, and Metropolitans, continue to write to the Presbyters, by the Title of Brethren; but whether their Actions are correspondent *ipsi viderint*; However, the Bishops Office, as well as the Presbyters, is only Ministerial, and his Power only for Edification: The Apostolical Directions given to the *Epheſian* Bishop, have no such word (in this case) as Commands, but mention *Intreaties* to be used to the *Elders* as *Fathers*, and to the younger Men, as Brethren; and if it be decent and necessary for Bishops to behave themselves thus to the *Laity*, how much more to the *Clergy*. And the form of Ordination speaks of *Godly Admonitions*; but to say, *I command you*, is Language more fit for an Emperor, an Absolute Monarch, or the *Generalissimo* of an Army, who Govern by Despotie Power, than for that person whose Character the Apostle describes, *1 Tim. 3*. It hath never been reputed the Style of Bishops, but the Voice of Tyrants, to say, *Sic volo, sic jubeo, stat (pro ratione) voluntas*.

# F I N I S.

## ERRATA.

PAGE 4. line 2. read *bad either forgot*; ibid. l. 12. f. *sence* r. *sense*; p. 6. l. 19. blot out *so*; ibid. r. *intrusted*; p. 7. r. *that that*; p. 9. l. 2. r. *immoral*; ibid. l. 8. r. *Admonitions*; p. 11. l. 7. r. *Spiritual Outlawry*; ibid. l. 15. r. *not only*; p. 12. l. 2. r. *errante*; ibid. l. 11. f. *the* r. *such*; ibid. 36. r. *in foro*; p. 13. l. 25. r. *by him or them who have*; p. 16. l. last r. *sense*; p. 17. l. 13. r. *in that*; ibid. l. 34. f. *was* r. *were*; ibid. l. last r. *conversion*; p. 18. l. 22. r. *taken*; p. 19. l. 14. r. *obsolete*; l. 15. for *for*, r. or. p. 20. l. 16. r. *enclosures*, ib. l. 22. after of, blot out *the*.